





09/926584

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: ATM-2239

Applicant

Peter KANCSAR et al.

Serial No.

09/926,584

Filed

November 21, 2001

For

BLISTER PACKAGE

TRANSMITTAL LETTER

Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Enclosed is an English-language translation of the International

Preliminary Examination Report from applicants' International Patent

Application No. PCT/EP00/04332.

Respectfully submitted,

Virgil H. Marsh

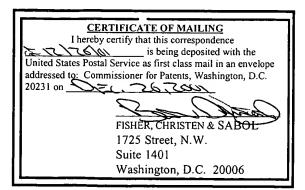
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Translation

RNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

5

Applicant's or agent's file reference PB/mw 2239WO	FOR FURTHER ACTION	ACTION SeeNotificationofTransmittalofInternational Preliminar Examination Report (Form PCT/IPEA/416)					
International application No.	International filing date (da)	•	Priority date (day/month/year)				
PCT/EP00/04332	13 May 2000 (13.	05.00)	02 June 1999 (02.06.99)				
International Patent Classification (IPC) or national classification and IPC B65D 75/34							
Applicant ALUSUISSE TECHNOLOGY & MANAGEMENT AG							
This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.							
2. This REPORT consists of a total of sheets, including this cover sheet.							
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).							
These annexes consist of a total of 4 sheets.							
3. This report contains indications rela	ting to the following items:						
I Basis of the report			•				
II Priority							
III Non-establishment o	III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability						
IV Lack of unity of invention							
V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement							
VI Certain documents cited							
VII Certain defects in the international application							
VIII Certain observations on the international application							
Date of submission of the demand	Date	Date of completion of this report					
22 December 2000 (22.	12.00)	11 Sep	otember 2001 (11.09.2001)				

Authorized officer

Telephone No.

Name and mailing address of the IPEA/EP

Facsimile No.



PCT/EP00/04332

1.	Basis	of the re	port					
1.	With	regard to	the elements of the international application:*					
		the inte	mational application as originally filed					
	\boxtimes	the desc	cription:					
		pages	1-11	, as originally filed				
		pages		, filed with the demand				
		pages	, filed with the letter of					
	∇	the clai						
				, as originally filed				
		pages pages	, as amended (together					
•		pages		, filed with the demand				
		pages	1-18 , filed with the letter of					
	\triangle	the drav						
		pages	1/5-5/5	, as originally filed				
		pages		, filed with the demand				
		pages	, filed with the letter of					
	∐ t	he seque	nce listing part of the description:					
		pages		, as originally filed				
		pages		, filed with the demand				
		pages	, filed with the letter of					
2.	the ir	nternation e elemen the lang the lang	guage of a translation furnished for the purposes of international search (under Ruguage of publication of the international application (under Rule 48.3(b)). guage of the translation furnished for the purposes of international preliminary	which is:				
3.	With prelin	minary ex contain filed to furnish	to any nucleotide and/or amino acid sequence disclosed in the international application in written form. gether with the international application in computer readable form. ed subsequently to this Authority in written form. ed subsequently to this Authority in computer readable form.	tional application, the international				
		The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.						
			atement that the information recorded in computer readable form is identical armished.	to the written sequence listing has				
4.		The arr	nendments have resulted in the cancellation of:					
			the description, pages					
			the claims, Nos.					
			the drawings, sheets/fig					
5.			ort has been established as if (some of) the amendments had not been made, si the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**	nce they have been considered to go				
	in thi	cement s is report 0.17).	theets which have been furnished to the receiving Office in response to an invita as "originally filed" and are not annexed to this report since they do no	tion under Article 14 are referred to ot contain amendments (Rule 70.16				
		•	ent sheet containing such amendments must be referred to under item I and anne.	xed to this report.				
				·				

PCT/EP00/04332

IV.	Lack of unity of invention
1. I	n response to the invitation to restrict or pay additional fees the applicant has:
[restricted the claims.
[paid additional fees.
[paid additional fees under protest.
[neither restricted nor paid additional fees.
2. [This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. 7	This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
[complied with.
	not complied with for the following reasons:
	See annex
	·
4. C	Consequently, the following parts of the international application were the subject of international preliminary examination n establishing this report:
	all parts.
	the parts relating to claims Nos.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.3.

Lack of unity of invention

1. The different inventions are:

Invention I: Claims 1-12

Blister pack with an opening aid arranged on a surface part associated with the opening to the recess and consisting of a surface portion bordered by a separating line, the surface part having a fold line.

Invention II: Claims 13-18

Blister pack with an opening aid which can be detached from the shoulder area along separating lines, a rolling element being arranged on the edge of the blister pack facing the opening aid.

The general concept linking independent Claims 1 and 13 is clearly that of a blister pack with an opening aid which is arranged on a surface part or shoulder area and is bordered by separating lines. This concept is, however, already known from US-A-4 231 477 (D1).

The special technical feature defining the contribution made by Claim 1 to the prior art (D1) is that the surface part has a fold line.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.3.

Neither this nor a corresponding technical feature is contained in Claim 13.

2. Consequently, the different inventions are not so linked as to form a single general inventive concept (PCT Rule 13.1).

In actional application No. PCT/EP 00/04332

V. Reasoned statement under Article 3 citations and explanations supporting		inventive step or industrial appl	icability;
. Statement			
Novelty (N)	Claims	1-18	YES
	Claims		NO
Inventive step (IS)	Claims	1-18	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following document:

D1: US-A-4 231 477 (DE FELICE WILFRIED)
4 November 1980 (1980-11-04).

2. Document D1, which is regarded as the closest prior art, discloses (see column 1, line 64 to column 2, line 20; Figures 1-3) a blister pack from which the subject matter of Claim 1 differs in that the surface part has a fold line along which the surface part can be bent away from the blister pack and can be twisted at least on the concave side of the recess.

The present invention can therefore be considered to address the problem of simplifying the bending of the surface part above the recess.

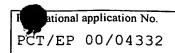
Insofar as the objection to lack of clarity has been removed (see Box VIII), the solution is not disclosed by the available prior art and is not considered to be obvious to a person skilled in the art. Claim 1 therefore meets the requirements of PCT Article 33(2) and (3).

- 3. Claims 2 to 9 are dependent on Claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.
- 4. Method Claims 10 and 11 refer to Claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step (see also Box VIII).
- 5. Use Claim 12 refers to Claim 1 and therefore likewise meets the PCT requirements for novelty and inventive step.
- Document D1, which is regarded as the closest prior art, discloses a blister pack from which the subject matter of Claim 13 differs in that a rolling element is arranged on the edge of the blister pack facing the opening aid.

The present invention can be considered to address the problem of simplifying the removal of the opening aid from the surface part and the placing of the opening aid on the recess.

The solution is not disclosed by the available prior art and is not considered to be obvious to a person skilled in the art. Consequently, insofar as the objection under PCT Article 34(2)(b) has been removed (see Box VIII), Claim 13 meets the requirements of PCT Article 33(2) and (3).

- 7. Claims 14 to 16 are dependent on Claim 13 and therefore likewise meet the PCT requirements for novelty and inventive step.
- 8. Method Claim 17 refers to Claim 13 and therefore



likewise meets the PCT requirements for novelty and inventive step (see also Box VIII).

9. Use Claim 18 refers to Claim 13 and therefore likewise meets the PCT requirements for novelty and inventive step (see also Box VIII).

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

- 1. Although Claims 1 and 13 are drafted in the two-part form, some of the features are incorrectly included in the characterising part, since they were disclosed by document D1 in combination with the features specified in the preamble (PCT Rule 6.3(b)).
- 2. Contrary to PCT Rule 5.1(a)(iii), the description is inconsistent with the claims.
- 3. Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 nor the relevant prior art disclosed therein.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- In Claim 1 it should have been made clear (PCT Article 6) that the opening aid is placed on the concave side of the recess by folding the surface part.
- In Claim 10 it should have been made clear (PCT Article 6) that fold lines (7) are provided, as defined in Claim 11.

Furthermore, said fold lines (7') defined in the above claim are not defined until Claim 3 and are therefore not defined in Claim 1 (PCT Article 6).

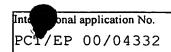
3. The characterising part of the new Claim 13 corresponds to the original Claim 8 except for the following feature: "the rolling element is connected to the edge section by gluing or sealing".

The claim has therefore been extended. Since the original application offers no basis for such an extension, the thus amended application goes beyond the original disclosure and therefore contravenes PCT Article 34(2)(b).

Furthermore, the above claim should have made clear (PCT Article 6) that the edge or tip of the cover foil (5) lies above the opening to the recess (4), as specified in the original Claim 8.

4. In Claim 17 it should have been made clear (PCT Article 6) that a rolling element is attached by

Form PCT/IPEA/409 (Box VIII) (January 1994)



VIII.	Certain	observations	on the	international	ap	plication
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means of gluing or sealing to the edge of the blister pack facing the opening aid.

5. In addition, in Claim 18 it should be made clear (PCT Article 6) that said claim refers to Claim 13.